

REMARKS

Applicants have carefully reviewed the Final Office Action dated December 2, 2003. Applicants respectfully traverse all objections, rejections, and assertions made by the Examiner. With this amendment, claims 1, 17, and 20 are amended. Claims 1-35 remain pending.

Claims 1, 2, 17-20, and 21 are rejected under 35 U.S.C. §102(b) as being anticipated by Lafontaine in U.S. Patent No. 5,662,621. Applicants' independent claim 1 is to an intravascular guidewire. However, the Examiner has indicated that the language of claim 1 reads on the Lafontaine device. We disagree. One of the differences between the guidewire recited in claim 1 and the Lafontaine device seems to hinge on the fact that Applicants' claimed device is a guidewire and that the Lafontaine device is a guide catheter (see, for example, the title of the Lafontaine patent). Clearly catheters and guidewires are structurally different even though they may have similar or even overlapping uses. However, in order to clarify that claim 1 is directed to a "guidewire", Applicants have amended claim 1. Amended claim 1 now recites that the polymeric jacket is attached to the core wire. This amendment makes clear that claim 1 is directed to a guidewire and that the core wire and polymeric jacket are attached components of the guidewire.

Lafontaine, in contrast, discloses a guide catheter. The guide catheter shaft 22 appears to be made of a polymeric material. A core 24 can be moved within the shaft 22 and can be used to heat the polymeric shaft 22 so as to change the catheter's shape. It appears as though the Examiner has equated Lafontaine's core 24 with the claimed core shaft, and Lafontaine's catheter shaft 22 with the claimed polymeric jacket. The amendment to claim 1, however, distinguishes the two devices. This is because Lafontaine's "polymer jacket" is not attached to the core wire. If it was, the device would essentially be non-functional because the user would

not be able to pass anything through the lumen (e.g., like microcatheters and other devices that guide catheters are used with) because of the positioning of the core within the catheter shaft. Based on this amendment, Applicants respectfully submit that amended claim 1 is distinguishable from Lafontaine. Because claim 2 depends from claim 1, it is also allowable based on this amendment and because it adds significant elements to distinguish it further from the prior art.

Independent claims 17 and 20 have been similarly amended so that they now recite that the polymeric jacket is attached to the core wire. As described above, this feature distinguishes the claimed invention from Lafontaine. Accordingly, claims 17 and 20 are now believed to be in condition for allowance. Because claims 18-19 depend from claim 17 and because claim 21 depends from claim 20, they are also allowable based on these amendments and because they add significant elements to distinguish them further from the prior art.

Claims 3, 4, 22, and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lafontaine in view of Nguyen et al. in U.S. Patent No. 5,772,609. As described above, it is believed that the amendments to claims 1 and 20 place these claims in condition for allowance. Because claims 3-4 depend from claim 1 and because claims 22-23 depends from claim 20, they are also allowable based on these amendments and because they add significant elements to distinguish them further from the prior art. Applicants respectfully submit that this amendment overcomes the rejection. In addition, there does not appear to be motivation to combine Lafontaine with Nguyen et al. This is because nothing in Nguyen et al. appears to teach the use of a polymeric jacket that is more stiff than the core wire, as recited in Applicants' claims 1 and 20. Therefore, there is no motivation in Nguyen et al. that would suggest combining it with Lafontaine in order to arrive at Applicants' claimed invention.

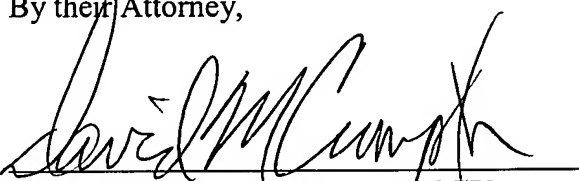
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Stephen Griffin et al.

By their Attorney,

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